

MONDAY, MAY 6, 1985

FORTY-FOURTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Dr. David Jones, Schrader Lane Church of Christ, Nashville, Tennessee.

Representative Love led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

EXPLANATION OF ABSENCE

Mr. Speaker:

This is to request permission to be absent from the legislative session this date so that I may attend a meeting of the National

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Conference of State Legislatures Foundation in Chicago. I also request that this letter be spread upon the Journal.

Thank you for your consideration.

John T. Bragg

The Speaker announced that Representative Bragg was excused because of legislative business.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 309, 310 and 1080, and House Joint Resolutions Nos. 262 and 299; with his approval.

WILLIAM H. INMAN,  
Counsel to the Governor.

**ENROLLED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 76, 206, 275, 286, 336, 386, 532, 711, 868, 879, 972, 1031, 1081, 1082, 1086, 1092 and 1093; House Resolutions Nos. 27, and 29; and House Joint Resolutions Nos. 253, 282, 283 and 284; and find same correctly enrolled and ready for the signatures of the Speakers.

MARLYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 76, 206, 275, 286, 336, 386, 532, 711, 868, 879, 972, 1031, 1081, 1082, 1086, 1092 and 1093; House Resolutions Nos. 27 and 29; and House Joint Resolutions Nos. 253, 282, 283 and 284.

**CALENDAR**

Senate Bill No. 514--To regulate governmental entities, certain transportation services.

Mr. King moved that Senate Bill No. 514, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

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Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

House Bill No. 360--To amend Prevailing Wage Act.

On motion, House Bill No. 360 was made to conform with Senate Bill No. 196.

On motion, Senate Bill No. 196, on same subject, was substituted for House Bill No. 360.

Mr. Murphy moved that Senate Bill No. 196 be passed on third and final consideration.

Thereupon, Senate Bill No. 196 failed to receive a constitutional majority by the following vote:

Ayes . . . . .	49
Noes . . . . .	43
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bivens, Brewer, Buck, Burnett, Clark (Davidson), Cobb, Covington, Cross, Curlee, Darnell, Davidson, DeBerry, DePriest, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hillis, Hobbs, Ivy, Jones, Kent, Kernell, King, Love, Miller, Moore (Shelby), Murphy, Murray, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Wix, Yelton and Mr. Speaker McWherter--49.

Representatives voting no were: Bewley, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), Dills, Duer, Frensley, Harrill, Hassell, Henry, Hurley, Huskey, Jared, Kisber, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Sullivan), Naifeh, Nance, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Swann, Tankersley, Webb, Wolfe and Wood--43.

Representative present and not voting was: Winningham--1.

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Under the rules Senate Bill No. 196 was referred to the Committee on Calendar and Rules.

Mr. Darnell moved that House Bill No. 749 be placed on the Calendar for Monday, May 13, 1985, which motion prevailed.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 752--To regulate access to county or municipal records.

On motion, House Bill No. 752 was made to conform with Senate Bill No. 25.

On motion, Senate Bill No. 25, on same subject, was substituted for House Bill No. 752.

Mr. Darnell moved that Senate Bill No. 25 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	75
Noes . . . . .	17

Representatives voting aye were: Bell, Bivens, Brewer, Buck, Burnett, Byrd, Cobb, Collier, Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Ellis, Garrett, Gill, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McCroskey, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Stafford, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--75.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Duer, Frensley, Gafford, Hassell, Ivy, McAfee, Moody, Napier, Severance, Stallings, Swann, Tankersley, Treadway and Webb--17.

A motion to reconsider was tabled.

House Bill No. 753--To provide recovery limits, lawsuits, jurisdiction courts.

On motion, House Bill No. 753 was made to conform with Senate Bill No. 176.

On motion, Senate Bill No. 176, on same subject, was substituted for House Bill No. 753.

Mr. Darnell moved that Senate Bill No. 176 be passed on third and

final consideration, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --92.

A motion to reconsider was tabled.

Mr. Darnell moved that House Bill No. 568 be placed on the Calendar for Wednesday, May 8, 1985, which motion prevailed.

House Bill No. 748--To make certain provisions, health and accident insurance, professional persons.

On motion, House Bill No. 748 was made to conform with Senate Bill No. 712.

On motion, Senate Bill No. 712, on same subject, was substituted for House Bill No. 748.

Mr. Darnell moved that Senate Bill No. 712 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings,

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Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Bragg moved that House Bill No. 888 be placed on the Calendar for Wednesday, May 8, 1985, which motion prevailed.

House Bill No. 85--To provide compensation, fireman or police injured on duty.

On motion, House Bill No. 85 was made to conform with Senate Bill No. 228.

On motion, Senate Bill No. 228, on same subject, was substituted for House Bill No. 85.

Mr. Kernell moved that Senate Bill No. 228 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 805--To amend Gasoline Tax Law.

Mr. Rhinehart moved that House Bill No. 805 be passed on third and final consideration.

Mr. Rhinehart moved that the rules be suspended for the purpose of considering Amendment No. 1 out of order, which motion prevailed.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

AMEND House Bill No. 805 by deleting Sections 2 and 3 in their entirety and by substituting instead the following new sections:

Section 2. Tennessee Code Annotated Section 67-3-617 is amended by adding the following new subsection (c):

(c) Revenues from the increases in taxes imposed by Tennessee Code Annotated Sections 67-3-603 and 67-3-604, effective 1985, shall be distributed in accordance with the following formula:

(1) Two cents (2¢) of the increases shall be distributed pursuant to subsection (b) of this section.

(2) One-half cent (1/2¢) of the increases shall be distributed as follows:

(A) Of the amount hereinafter designated for the counties and municipalities, one percent (1%) shall be subtracted from the amount designated for municipalities and one percent (1%) shall be subtracted from the amount designated for counties for distribution to the general fund for expenses of administration prior to the distribution of the funds to the municipalities or counties.

(B) Sixty-six and two-thirds percent (66 2/3%) of the tax collected shall be distributed to the various counties of the state on the basis set out in TCA 54-4-103.

(C) Thirty-three and one-third percent (33 1/3%) of the tax collected shall be distributed to the various municipalities, as defined in TCA 54-4-201, on the basis set out in TCA 54-4-203.

(3) One-half cent (1/2¢) of the increases shall be distributed to the Tennessee Department of Transportation for public transit purposes. The Commissioner of the Department of Transportation shall administer this program pursuant to Tennessee Code Annotated, Title 13, Chapter 10, and pursuant to rules and regulations which the Commissioner of Transportation is hereby authorized to promulgate. It is the legislative intent that the program funds administered by the Commissioner of Transportation be used to supplement rather than to replace funds provided for public transit by local government.

Mr. Clark (Sumner) moved that the Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes . . . . .	45
Noes . . . . .	51

Representatives voting aye were: Bell, Bewley, Buck, Chiles,

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Clark (Sumner), Copeland, Crain, Cross, Curlee, Davis (Cocke), Davis (Gibson), Dills, Duer, Frensley, Gafford, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Lawson, McNally, Montgomery, Murray, Naifeh, Napier, Ridgeway, Robinson (Washington), Scruggs, Shirley, Stallings, Swann, Tankersley, Tanner, Treadway, Ussery, Webb, Whitson, Winningham, Wix, Wolfe and Work--45.

Representatives voting no were: Bivens, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Darnell, Davidson, Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Jones, Kent, Kernell, King, Kisber, Love, May, McCroskey, Miller, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Nance, Peroulas, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Stafford, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams, Wood, Yelton and Mr. Speaker McWherter--51.

Mr. Cobb moved the previous question, which motion prevailed by the following vote:

Ayes . . . . .	62
Noes . . . . .	26
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Ellis, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hobbs, Ivy, Jared, Jones, Kent, Kernell, King, Love, May, McCroskey, Miller, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Severance, Stafford, Stallings, Starnes, Tanner, Turner, C. (Shelby), Turner, L. (Shelby), Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe and Yelton--62.

Representatives voting no were: Burnett, Clark (Sumner), Copeland, Curlee, Darnell, DeBerry, Duer, Frensley, Henry, Hillis, Hurley, Huskey, Kisber, Lawson, McAfee, McNally, Montgomery, Murray, Phillips, Scruggs, Shirely, Swann, Tankersley, Treadway, Turner (Hamilton) and Wood--26.

Representative present and not voting was: Mr. Speaker McWherter--1.

Thereupon, Amendment No. 1 failed by the following vote:

Ayes . . . . .	40
Noes . . . . .	56

Representatives voting aye were: Bivens, Brewer, Byrd, Clark (Davidson), Cobb, Collier, Covington, Davis (Knox), DeBerry, DePriest, Dixon, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hassell, Jones, Kent, Kernell, Love, May, Miller, Moody, Moore (Shelby), Murphy,



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Nance, Peroulas, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Starnes, Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams and Mr. Speaker McWherter--40.

Representatives voting no were: Bell, Bewley, Buck, Burnett, Chiles, Clark (Sumner), Copeland, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Dills, Duer, Frensley, Harrill, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kisber, Lawson, McAfee, McCroskey, McNally, Montgomery, Moore (Sullivan), Murray, Naifeh, Napier, Phillips, Ridgeway, Robinson (Washington), Scruggs, Shirley, Stafford, Stallings, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Ussery, Webb, Whitson, Winningham, Wix, Wolfe, Wood, Work and Yelton--56.

Mr. Rhinehart moved that House Bill No. 805 be placed on the Calendar for Wednesday, May 8, 1985, which motion prevailed by the following vote:

Ayes . . . . .	78
Noes . . . . .	17
Present and not voting . . . . .	1

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Covington, Crain, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Henry, Hillis, Hurley, Huskey, Jared, Jones, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Murphy, Murray, Naifeh, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--78.

Representatives voting no were: Copeland, Cross, Duer, Gill, Hassell, Hobbs, Ivy, Kent, Lawson, Moore (Shelby), Moore (Sullivan), Nance, Shirely, Treadway, Turner (Hamilton), Turner, C. (Shelby) and Turner, L. (Shelby)--17.

Representative present and not voting was: Moody--1.

Mr. Speaker McWherter relinquished the Chair to Mr. Bivens, Speaker pro tem.

House Bill No. 717-- To amend Section 50-6-405, Code.

On motion, House Bill No. 717 was made to conform with Senate Bill No. 516.

On motion, Senate Bill No. 516, on same subject, was substituted for House Bill No. 717.

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Mr. Wheeler moved that Senate Bill No. 516 be placed on the Calendar for Thursday, May 9, 1985, which motion prevailed.

### CONSENT CALENDAR

Senate Joint Resolution No. 95--Relative to congratulating James H. Darrell.

House Resolution No. 28--Relative to honoring Wayne Jerrolds.

House Joint Resolution No. 297--Relative to honoring Columbia Central High School boys' basketball team.

House Joint Resolution No. 298--Relative to honoring Rick Kleinfelter.

House Joint Resolution No. 300--Relative to honoring Randy Shelton.

House Joint Resolution No. 301--Relative to congratulating Oneida High School boys' basketball team.

House Joint Resolution No. 302--Relative to honoring Brian Bond.

House Joint Resolution No. 303--Relative to honoring Campbell County Junior varsity girls' basketball team.

House Joint Resolution No. 305--Relative to honoring South Fulton Middle School boys' basketball team.

House Joint Resolution No. 306--Relative to congratulating Mr. and Mrs. Herbert Windom Staggs.

House Bill No. 1097--To authorize school bonds, Franklin Special School District.

House Bill No. 1089--To change boundaries, South Carroll Special School District.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill,

Harrill, Hassell, Henry, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wingham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

**FURTHER CONSIDERATION OF AMENDED BILL**

Senate Bill No. 188--To provide recognition, certain high school students.

Ms. Moore (Sullivan) moved that the House Refuse to recede from its action in adopting Amendment Nos. 1, 2 and 3 to Senate Bill No. 188, which motion prevailed.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 195--To make provisions, Criminal Injuries Compensation Program.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 195 by deleting the current provisions of Section 1 and substituting the following:

SECTION 1. Tennessee Code Annotated Subsection 40-24-107(a)(3) is amended by adding the following immediately after "violations of the motor vehicle laws":

"unless such violation is covered by the provisions of Tennessee Code Annotated Title 55, Chapter 10, Part 4 relating to driving while intoxicated, the provisions of TCA Section 29-13-104(1) to the contrary notwithstanding."

Mr. Cobb moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frenley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared,

Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 481--To provide issuance of permits solid waste management.

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 481 by deleting the language in Section 5 in its entirety and by substituting instead the following:

This act shall take effect October 1, 1985, the public welfare requiring it.

Ms. Moore (Sullivan) moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 966--To regulate contract funds retained, improvement of real estate.

SENATE AMENDMENT NO. 3

Amend House Bill No. 966 by adding a new Section 2 and redesignating the existing Section 2 as Section 3:

"SECTION 2. Tennessee Code Annotated, Section 66-11-144, is amended by adding a new subsection (g) as follows:

(g) In contracts to which the State of Tennessee or any department, Board of agency thereof, including the University of Tennessee, is a party, such retained amounts shall be deposited in a restricted account in the state treasury for the benefit of the contractor, with interest paid on said funds in the same manner as interest is paid on the funds of local governments participating in the local government investment pool established by Section 9-17-105, Tennessee Code Annotated.

Mr. Burnett moved that the House concur in Senate Amendment No. 3, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

SECOND ROLL CALL

A roll call was taken with the following results:

Present . . . . .	98
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Representatives present were: Bell, Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared,

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Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Treadway, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

Mr. Chiles moved that the rules be suspended for the purpose of introducing House Resolution No. 30 out of order, which motion prevailed.

House Resolution No. 30--Relative to honoring Linden Ann Neff--By Chiles.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Chiles, the resolution was adopted.

A motion to reconsider was tabled.

**INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 308--Relative to commending WKNO television station--By Dixon.

Under the rules, House Joint Resolution No. 308 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 309--Relative to commending James E. Word--By Dixon, McNally and Starnes.

Under the rules, House Joint Resolution No. 309 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 310--Relative to honoring memory, Harriet Van Vleet--By Dixon and Brewer.

Under the rules, House Joint Resolution No. 310 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 311--Relative to expressing appreciation, MED's Barbeque Cook-off--By Dixon and Brewer.

Under the rules, House Joint Resolution No. 311 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 312--Relative to commending W. A. Suggs Scholarship Association--By Dixon and Brewer.

Under the rules, House Joint Resolution No. 312 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 313--Relative to proclaiming May 1, 1985, "Northwood Park Day"--By Dixon and Brewer.

Under the rules, House Joint Resolution No. 312 was referred to the Committee on Calendar and Rules.

### **RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 127--Relative to congratulating Coach Tommy Carpenter and girls' basketball team.

Under the rules, Senate Joint Resolution No. 127 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 133--Relative to honoring Pilgrim Rest Church, Memphis.

Under the rules, Senate Joint Resolution No. 133 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 134--Relative to honoring Northside Middle School Band.

Under the rules, Senate Joint Resolution No. 134 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 135--Relative to honoring Kenneth L. Harris.

Under the rules, Senate Joint Resolution No. 135 was referred to the Committee on Calendar and Rules.

### **INTRODUCTION OF BILLS**

House Bill No. 1100--To make certain provisions, county attorney, Lawrence County--By Gafford.

Passed first consideration.

House Bill No. 1101--To provide funding, T.I.S.L.--By Moore (Sullivan).

Passed first consideration.

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House Bill No. 1102--To amend Section 69-12-118 (f), Code--By Moore (Sullivan) and Murphy.

Passed first consideration.

House Bill No. 1103--To amend charter, Monterey--By Jared.

Passed first consideration.

House Bill No. 1104--To amend charter, Jackson--By Kisber and Tankersley.

Passed first consideration.

**SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 120--To make certain provisions, cemeteries.

Passed first consideration.

Senate Bill No. 243--To regulate Goodwyn Institute Commission.

Passed first consideration.

Senate Bill No. 260--To regulate use, certain school property.

Passed first consideration.

Senate Bill No. 368--To exempt taxidermy services, sales and use tax.

Passed first consideration.

Senate Bill No. 471--To limit amount of money, game of bingo.

Passed first consideration.

Senate Bill No. 648--To regulate fees charged by Registers of Deeds.

Passed first consideration.

Senate Bill No. 650--To regulate criminal injuries compensation fund.

Passed first consideration.

Senate Bill No. 654--To establish new trial court judgeship, 12th Judicial District.

Passed first consideration.

Senate Bill No. 832--To amend Workers' Compensation Law.



Passed first consideration.

Senate Bill No. 842--To regulate practice, medicine or surgery.

Passed first consideration.

Senate Bill No. 845--To regulate certain mental health institutes.

Passed first consideration.

Senate Bill No. 1061--To amend Chapter 86, Public Acts, 1985.

Passed first consideration.

### **HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 1098--To amend Charter, Decherd.

Passed second consideration and held without reference.

House Bill No. 1099--To prohibit concurrent service, elected officials, Dyer County.

Passed second consideration and held without reference.

### **GENERAL WELFARE**

**MR. SPEAKER:** Your Committee on General Welfare begs leave to report that we have carefully considered and recommend for passage: House Joint Resolutions Nos. 279 and 280.

**STARNES, Chairman.**

Under the rules, House Joint Resolutions Nos. 279 and 280 were transmitted to the Committee on Calendar and Rules.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

**MR. SPEAKER:** Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, May 8, 1985: House Bills Nos. 463, 299, 809, 427, 311, 60, Senate Joint Resolution No. 69, House Bills Nos. 418 and 215.

**GILL, Chairman.**

### **REPORT OF DELAYED BILLS COMMITTEE**

The undersigned members of the Delayed Bills Committee have approved the following bills: House Bills Nos. 1013, 1101 and 1102.

**Ned R. McWherter**

Jimmy Naifeh

James M. Henry

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

300--To regulate absentee ballot by mail.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

540--To regulate registration of motor vehicles, certain counties.

The Senate lifted the tabling motion; reconsidered passage of the bill; reconsidered adoption of Amendment No. 1; withdrew Amendment No. 1, then repassed the bill on third and final consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

9--To exempt certain lime and limestone, severance tax;

515--To grant contempt power, certain judges; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

124--Relative to confirming appointment, Forestry Commission;

285--Relative to honoring Deborah Joyce Davis;

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286--Relative to honoring Jo Byrns High School boys' basketball team; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**NOTICE PURSUANT TO RULE NO. 58**

Pursuant to Rule No. 58, the sponsor gave notice of his intentions to consider the following measure from the Senate on Wednesday, May 8, 1985:

House Bill NO. 435--Phillips

**LOCAL BILLS REFERRED TO CALENDAR AND RULES**

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 657, 1098 and 1099.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**

**CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, May 8, 1985: House Bills Nos. 657, 1098, 1099; House Joint Resolutions Nos. 308, 309, 310, 311, 312, 313; and Senate Joint Resolutions Nos. 127, 133, 134 and 135.

GILL, Chairman.

**BILLS RE-REFERRED**

On motion of Mr. Murphy, and at the request of the sponsors, House Bill No. 990 was recalled from the Committee on State and Local Government.

On motion of Mr. Murphy, House Bill No. 990 was referred to the Committee on Judiciary.

On motion of Mr. Burnett, House Bill No. 968 was recalled from the Committee on State and Local Government.

On motion of Mr. Burnett, House Bill No. 968 was referred to the Committee on Judiciary.

**BILL WITHDRAWN**

On motion of Mr. McNally, House Bill No. 305 was recalled from the Committee on Calendar and Rules.

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On motion of Mr. McNally, House Bill No. 305 was withdrawn from the House.

**RULES SUSPENDED**

Mr. Gill moved that the Rule No. 48 be suspended in order to set a Calendar for Wednesday, May 8 and Thursday, May 9, 1985, which motion prevailed.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1089 and 1097; House Joint Resolutions Nos. 297, 298, 300, 301, 302, 303, 305 and 306; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos.:

134--To authorize citations in lieu of arrest, certain violators;

1091--To regulate Community Economic Development Commission, Jackson;

1094--To regulate sale of certain fireworks, Cocke County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Joint Resolutions Nos.:

136--Relative to services, emotionally disturbed children;

137--Relative to appreciation, Lisa Geater;

138--Relative to appreciation, Dianne Thompson;

139--Relative to honoring Ernest Jackson, Jr.;

140--Relative to commending Bill Hampton and South Street Boys;

141--Relative to appreciation, Catherine Hayes Crawford;

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143--Relative to Huntingdon Garden Club, 25th anniversary;

144--Relative to honoring Reverend S. H. Herring, Sr.; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1042--To provide election, superintendent of public instruction, Hamblen County; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 2:00 p.m., Wednesday, May 8, 1985.